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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/761,779

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EXAMINER

BATES, KEVIN T

ART UNIT

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2153

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/761,779	Applicant(s) AKASAKA ET AL.	
	Examiner KEVIN BATES	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3-28-08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-31, 40, 44-46, 48, 55 and 59-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-31, 40, 44-46, 48, 55 and 59-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3-28-08</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

This Office Action is in response to a communication made on March 28, 2008.

Claims 1-28, 32-39, 41-43, 47, 49-54, and 56-58 have been cancelled.

Claims 64-68 have been newly added.

Claims 29-31, 40, 44-46, 48, 55, and 59-63 have been amended.

Claims 29-31, 40, 44-46, 48, 55, and 59-68 are pending in this application.

Information Disclosure Statement

The information disclosure statement filed 3-28-08 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the Japanese Office Action is in a foreign language and there is no explanation of its relevance. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 59, 61, and 63 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites the limitation of “determining whether or not a Web page corresponding to said account name is open,” it is unclear from the context of the claim and in light of the specification whether the idea of an 'open webpage' means that the web server has allocated a web address and web space for the user to store web pages on the server or whether the open webpage means that the user's computer is already connected or has opened a connection to that webpage.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 29-31, 40, 44-46, 48, 55, and 59-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herr-Hoyman (5727156) in view of Freishtat (5945989).

Regarding claims 59, 61, and 63, Herr-Hoyman teaches a transfer control method of a network system constructed by a client and a server (Column 2, lines 12 – 15) comprising:

establishing connection of a hypertext transfer protocol between the client and the server via the network upon transmitting operation carried out by designating a file to be disclosed in server's Web page by the client (Figure 3, S2 to S3; Column 3, lines 51 – 56);

transmitting from the client to the server a request for acquisition of connection information necessary for establishing connection of a file transfer protocol with user identification information including an account name and a password (Column 3, lines 51 – 56; Column 4, lines 18 – 34);

determining whether or not a Web page corresponding to said account name is open, when a user registration is confirmed by means of the account name and the password shown in said request for acquisition upon receipt of the request for acquisition of said connection information by the server from the client (Column 4, lines 18 – 34);

determining if there is a web site open for the account (Column 4, lines 17 – 34);

establishing connection of the file transfer protocol between the client and the server by setting a received connection information in the file transfer protocol upon receipt of the connection information by the client from said server (Column 7, lines 11 – 15);

transferring said open file designated by said transmitting operation from the client to the server in accordance with said file transfer protocol for which connection has been established (Column 9, lines 17 – 26); and

upon receipt of said open file by the server, storing the received open file in a folder corresponding to a Web page already open to permit opening of the Web page (Column 4, lines 36 – 44).

Herr-Hoyman does not explicitly indicate opening a Web page corresponding to said account name, and then, acquiring connection information necessary for establishing the file transfer protocol to a newly opened Web page;

transmitting said connection information acquired in said acquiring or said opening from the server to the client in accordance with said hypertext transfer protocol for which connection has been established;

said connection information includes a server name, an account, a password, a homepage address, and a homepage folder name.

Freishtat teaches a method of publishing websites on a server (Column 4, lines 15 – 23) including connection information obtained from said server and a set information providing unit which is provided for said server and transmits the connection information which is obtained by using said user identification information received from said client to the client (Column 7, line 61 – Column 8, line 12) and edit said connection information; and said connection information includes a server name, an account, a password, a homepage address, and a homepage folder name (Column 7, line 61 – Column 8, line 12; Figure 10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Freishtat's teaching of prompting the user with connection information about the server and file to be uploaded in Herr-Hoyman's system in order

to allow one without great knowledge of web sites to be able to control how the file is connected and stored on the server.

Regarding claims 60 and 62, Herr-Hoyman teaches a transfer control method of a client connected to a server via network, comprising:

establishing connection of a hypertext transfer protocol between the client and the server via the network upon transmitting operation carried out by designating a file to be disclosed in server's Web page by the client (Figure 3, S2 to S3; Column 3, lines 51 – 56);

transmitting from the client to the server a request for acquisition of connection information necessary for establishing connection of a file transfer protocol with user identification information including an account name and a password (Column 3, lines 51 – 56; Column 4, lines 18 – 34);

establishing connection of the file transfer protocol between the client and the server (Column 7, lines 11 – 15); and

transferring said open file designated by said transmitting operation from the client to the server in accordance with said file transfer protocol for which connection has been established to permit opening of the Web page (Column 9, lines 17 – 26).

Herr-Hoyman does not explicitly indicate opening a Web page corresponding to said account name, and then, acquiring connection information necessary for establishing the file transfer protocol to a newly opened Web page;

said connection information includes a server name, an account, a password, a homepage address, and a homepage folder name.

Freishtat teaches a method of publishing websites on a server (Column 4, lines 15 – 23) including connection information obtained from said server and a set information providing unit which is provided for said server and transmits the connection information which is obtained by using said user identification information received from said client to the client (Column 7, line 61 – Column 8, line 12) and edit said connection information; and said connection information includes a server name, an account, a password, a homepage address, and a homepage folder name (Column 7, line 61 – Column 8, line 12; Figure 10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Freishtat's teaching of prompting the user with connection information about the server and file to be uploaded in Herr-Hoyman's system in order to allow one without great knowledge of web sites to be able to control how the file is connected and stored on the server.

Regarding claim 68, Herr-Hoyman teaches a method, comprising:

a server automatically establishing a Web page that corresponds to an account name when the Web page is not established (Column 4, lines 18 – 34);

establishing the file transfer protocol between the client and the server after the client receives the information necessary to establish the file transfer protocol (Column 7, lines 11 – 15);

transferring a designated file to be stored in a folder of the Web page from the client to the server (Column 9, lines 17 – 26); and

storing the designated file in the folder that corresponds to the established Web page to permit opening of the Web page (Column 4, lines 36 – 39).

Herr-Hoyman does not explicitly indicate acquiring connection information necessary for establishing the file transfer protocol to a newly opened Web page.

Freishtat teaches a method of publishing websites on a server (Column 4, lines 15 – 23) including connection information obtained from said server and a set information providing unit which is provided for said server and transmits the connection information which is obtained by using said user identification information received from said client to the client (Column 7, line 61 – Column 8, line 12) and edit said connection information.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Freishtat's teaching of prompting the user with connection information about the server and file to be uploaded in Herr-Hoyman's system in order to allow one without great knowledge of web sites to be able to control how the file is connected and stored on the server.

Regarding claims 29, 44, and 64, Herr-Hoyman teaches a medium according to claims 59, 60, and 62, wherein the website space is setup through an ISP which could dial-up connections (Column 1, lines 9 – 23; Column 2, lines 11 - 15) and that the connection to the web creation server gives the client the user ID (Column 1, lines 39 – 41) and stores it as a local variable on the client (Column 3, lines 31 – 33).

Herr-Hoyman does not explicitly indicate that in the case where a connection to a network is a dial-up connection, said set information obtaining unit obtains the user

identification information which is used for said information obtaining request from a setting input of the dial-up connection.

It would have been obvious to one of ordinary skill in the art at the time the invention was made that if a user was interacting with an ISP that when the ISP needs to assign a unique name to a client that it can use the unique name the client uses to connect though a dialup connection (Column 1, lines 39 – 41).

Regarding claims 30, 45, and 65, Herr-Hoyman teaches a medium according to claims 59, 60, and 62, wherein the case where a connection to the network is other than said dial-up connection, said set information obtaining unit uses the user identification information which is inputted from the user for said information obtaining request (Column 3, lines 31 – 44).

Regarding claims 31, 46, and 66, Herr-Hoyman teaches a medium according to claims 59, 60, and 62, wherein the client is a registered user of said server was recognized from a set mail address (Column 3, lines 31 – 44), said set information obtaining unit issues the information obtaining request using said user identification information (Column 3, lines 57 – 67).

Regarding claims 40, 48, 55, and 67, Herr-Hoyman teaches a medium according to claims 59, 60, 61, and 63, wherein the obtaining request of said connection information and its response between said set information obtaining unit of said client and said connection information providing unit of said server are processed by a protocol having a security function (Column 4, lines 1 – 8).

Response to Arguments

Applicant's arguments filed March 28, 2008 have been fully considered but they are not persuasive.

The applicant argues that neither references, Herr-Hoyman nor Freishtat, teach (1) determining whether or not a Web page corresponding to said account name is open" or (2) that said connection information includes a server name, an account, a password, a homepage address, and a homepage folder name.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding argument (1): as shown in the 112 rejection to claims 59, 61, and 63, the idea of an "open webpage" is a bit ambiguous. It is the examiner's interpretation that determining whether a web page is open for an account is the same as see if web space has been previously established for that user name or account. Herr-Hoyman teaches in Col. 3, lines 29-44, that the unique ID and other information is used to identify where on a web server web files are located. Col. 4, lines 18-34 teaches that when sending requests to the web server, the web server makes a determination based on the unique ID whether a webpage has already been created for that account. This corresponds to the idea of determining that a web page has already been "opened." If the web page has already been opened, then the user can only create modify requests

to the opened web page if authorized, if the web page is not open, then the web server opens the web page in response to the requests.

Regarding argument (2): Herr-Hoyman teaches in Col. 3, lines 29-44 that the connection information about where to send files is determined by information such as a unique ID, password, and the location of the destination of web files. Herr-Hoyman further teaches that data files are sent to the server through FTP connections (Col. 7, lines 11 – 15). Herr-Hoyman does not teach that the information for located the web files are acquired from the actual web server though. Freishtat teaches a system where the information used assisting a user in creating a web page, including seen in Col. 7, line 55 – Col. 8, line 12; Figure 10; Col. 5, lines 26 - 46; Col. 6, lines 1-8, that the system allows the user to set up his own connection information including user names, pins (passwords), host servers, full path names, and web names (Column 5, lines 26 – 46), and it includes of automatically establishing FTP transfers or more secure transfers for those web pages (Column 6, lines 1-8). So the combination of Herr-Hoyman and Freishtat teaches that the connection information can be setup and acquired from the server and include a server name, an account, a password, a homepage address, and a homepage folder name.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN BATES whose telephone number is (571)272-3980. The examiner can normally be reached on 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin Bates/
Primary Examiner, Art Unit 2153